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PATENT Attorney Docket No. SALK1470-2 (088802-1852) 1641 B-1869

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Printed Name

Stephen E. Retter, Reg. No. 31.192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Evans et al.

Serial No.:

09/155,252

Filing Date:

09/21/1998

For:

SELECTIVE MODULATORS OF

PEROXISOME PROLIFERATOR

ACTIVATED RECEPTOR-GAMMA, AND METHODS FOR THE USE THEREOF

Examiner: B. Brunner

Group Art Unit: 1647

TRANSMITTAL

Box Sequence Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

- [X] Response to Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
- [X] Copy of Notice to Comply
- [X] Computer Disk Containing Sequence Listing
- [X] Sequence Listing Paper Copy
- [X] Return postcard

In re Application of Evans et al. Application No. 09/155,252 Page 2

PATENT Attorney Docket No. SALK1470-2 (088802/1852)

No fee is deemed necessary in connection with this Amendment. However, if any fee is required, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to <u>Deposit Account No. 50-0872</u>. A duplicate copy of this Transmittal sheet is enclosed.

Respectfully submitted,

Date

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23rd Floor

San Diego, California 92101-3542

Telephone: Facsimile:

(619) 685-6445 (619) 234-3510 Stephen E. Reiter

Attorney for Applicant Registration No. 31,192





JUN 1 1 2001

TECH CENTER 1600/2900



Atty. Dkt. No. SALK1470-2 (088802/1852)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Evans, et al.

Title:

SELECTIVE MODULATORS OF PEROXISOME PROLIFERATOR

ACTIVATED RECEPTOR-GAMMA, AND METHODS FOR

THE USE THEREOF.

Appl. No.:

09/155,252

Filing Date:

09/21/1998

Examiner:

B. Bunner

Art Unit:

1647

CERTIFICATION UNDER 37 CFR § 1.8
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on the date below, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Stephen E. Reiter, Reg. No.: 31,192 (Name of person mailing paper)

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents Box Sequence Listing Washington, D.C. 20231

Sir:

In response to items # 1-3 of the Office Action of May 3, 2001, a paper copy and CRF of the replacement sequence listing is enclosed.

In response to item # 7 of the same Office Action requesting "sequence identifiers for the sequence of the half-site in claim 17, and sequences at pages 13 and 22 of the specification" current PTO rules regarding Nucleotide and/or amino acid sequences (as used in §§1.821 through 1.825) apply to unbranched sequences of four or more amino acids or unbranched sequences of ten or more nucleotides. The sequences in question are all unbranched sequences of less than ten nucleotides, and therefore need no further identification or amendment.

In re application of Evans et al. Application No. 09/155,252 Page 2

Atty. Dkt. No. SALK1470-2 (088802/1852)

- 1. the content of the attached paper copy and the enclosed computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
- 2. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter.

Respectfully submitted,

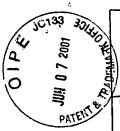
Date.

Stephen E. Reiter Reg. No. 31,192

Attorney for Applicant Telephone: 619-685-6445 Facsimile: 619-234-3510

FOLEY & LARDNER 402 W. Broadway, 23rd Floor San Diego, California 92101

Enclosure



Notice to Comply

Application N .	Applicant(s)
09/155,252	EVANs et al.
Examiner	Art Unit
Bridget E. Bunner	1647

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: The sequence of the half-site in claim 17 is not identified by a sequence identifier. Also, the sequences at pages 13 and 22 of the specification are not identified by sequence identifiers.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

Patentin Software Program Support

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY